

TO:	
COMMISSIONER OF PATENTS AND TRADEMARKS (USPTO) P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OF DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In compliance with 35 U.S.C. 290 and/or 15 U.S.C. 1116 you are hereby advised
that a court action has been filed on the following patent(s)/trademark(s) in the U.S. District Court:

DOCKET NO. 12 C 3846	DATE FILED: 5/17/2012	UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION
Plaintiff(s): Cumberland Pharmaceuticals Inc,		Defendant(s): Mylan Institutional LLC., et al
PATENT NUMBER US 8,148,356 B2	DATE OF PATENT April 3, 2012	HOLDER OF PATENT Leo Pavliv

In the above-entitled case, the following trademarks(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
TRADEMARK NUMBER	DATE OF TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1.			
2.			
3.			

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT 11/17/2015		
CLERK - Thomas G. Bruton	DEPUTY CLERK: Scott White	DATE: 01/11/2016

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CUMBERLAND PHARMACEUTICALS INC.,)	
)	
Plaintiff,)	
)	No. 1:12-cv-03846
v.)	
)	Judge Rebecca Pallmeyer
MYLAN INSTITUTIONAL LLC, AND)	
MYLAN INC.,)	
)	
Defendants.)	

FINAL JUDGMENT

This is an action for patent infringement brought by Cumberland Pharmaceuticals Inc. (“Cumberland”) against Mylan Institutional LLC and Mylan Inc. (“Mylan”).

On August 4, 2014, in light of the court’s Claim Construction Order, Mylan consented to the entry of judgment that the commercial manufacture, use, sale, offer for sale or importation of the product described in ANDA No. 203624 or inducement of or contribution to any such conduct does and would infringe under 35 U.S.C. § 271(a) and (b) the claims of the ’445 patent, if claims 1-14 were not found to be unenforceable or invalid. D.I. 248 at 3. Mylan’s stipulation of infringement was made without prejudice or waiver of its rights to appeal the Court’s February 26, 2014, Claim Construction Order (D.I. 187). *Id.*

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

- (1) This court has jurisdiction over Cumberland and Mylan and the subject matter of this action.
- (2) ORDERED AND ADJUDGED that final judgment is hereby entered that claims 1-14 of the ’445 patent are not invalid or unenforceable.

- (3) ORDERED AND ADJUDGED that final judgment is entered that, as confirmed in the Parties' August 4, 2014 Joint Stipulation of Infringement, the product that is the subject of Mylan's ANDA No. 203624 infringes claims 1-14 of the '445 patent.
- (4) ORDERED that pursuant to 35 U.S.C. § 271(e)(4)(A) and the Parties' August 4, 2014 Joint Stipulation of Infringement, the effective date of approval of ANDA No. 203624 shall be a date which is not earlier than the date of the expiration, including any extensions by the U.S. Food and Drug Administration ("FDA"), of the '445 patent.
- (5) ORDERED that pursuant to 35 U.S.C. § 271(e)(4)(B), Mylan and its officers, agents, servants, employees, affiliates, privies, subsidiaries and others acting for, or on behalf of, or in concert with them are enjoined from the commercial manufacture, use, offer to sell, or sale within the United States, or importation into the United States, of the product that is the subject of ANDA No. 203624 prior to the date of expiration of the '445 patent including any extension thereof by the FDA of the '445 patent. This injunction order is effective immediately upon the entry of this order on this Court's docket.

This Order is without prejudice to Mylan's right to appeal.

IT IS SO ORDERED this 17th day of November, 2015.



REBECCA R. PALLMEYER
United States District Judge

A TRUE COPY-ATTEST
THOMAS G. BRUTON, CLERK

By: s/ SCOTT WHITE
DEPUTY CLERK
U.S. DISTRICT COURT, NORTHERN
DISTRICT OF ILLINOIS

January 11, 2016